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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 20 2000

at 4 o'clock and 10 min. M
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
)
Plaintiff,)

VS.)

JAMES THOMAS STONE, (01))
BENJAMIN YRIZZARY,)
JUNIOR, (02))
GRANT DELACUESTA, (03))
CURTIS RAY LUPTON, (04))

Defendants,)
)

CRIMINAL NO.

CR00-00381HG

INDICTMENT

(21 U.S.C. 846 & 841(a)(1))

INDICTMENT

The Grand Jury charges that:

From a time unknown to the Grand Jury up through and
including on or about September 11, 2000 in the District of
Hawaii, defendants:

JAMES THOMAS STONE (hereinafter "Stone"),
BENJAMIN YRIZZARY, JUNIOR (hereinafter "Yrizzary"),
GRANT DELACUESTA (hereinafter "Delacuesta"), and
CURTIS RAY LUPTON (hereinafter "Lupton"),

knowingly and intentionally conspired to manufacture, distribute,

and possess with intent to distribute marijuana, a Schedule I controlled substance, to wit: the cultivation, propagation and harvesting of one-hundred (100) or more marijuana plants, a violation of Title 21, United States Code, Section 841(a)(1).

Overt Acts:

In order to further said conspiracy and attain the objects thereof, the following overt acts, among others, were committed in the District of Hawaii:

(1) On or about June 26, 2000, Stone was tending to marijuana plants in a marijuana cultivation site located in the Kipuka Ainahou Game Management Area ("GMA") on the Island of Hawaii.

(2) On or about June 26, 2000, Yrizzary was tending to marijuana plants in a marijuana cultivation site located in the Kipuka Ainahou GMA on the Island of Hawaii.

(3) On or about June 26, 2000, Lupton was tending to marijuana plants in a marijuana cultivation site located in the Kipuka Ainahou GMA on the Island of Hawaii.

(4) On or about July 17, 2000, Stone was tending to marijuana plants in a marijuana cultivation site located in the Kipuka Ainahou GMA on the Island of Hawaii.

(5) On or about July 17, 2000, Delacuesta was tending to marijuana plants in a marijuana cultivation site located in the Kipuka Ainahou GMA on the Island of Hawaii.

(6) On or about July 17, 2000, Stone walked in a northerly direction on Powerline Road on the Island of Hawaii.

(7) On or about July 17, 2000, Delacuesta walked in a northerly direction on Powerline Road on the Island of Hawaii.

(8) On or about July 17, 2000, Yrizzary walked in a northerly direction on Powerline Road on the Island of Hawaii.

(9) On or about August 14, 2000, Stone was walking in the vicinity of Powerline Road on the Island of Hawaii.

(10) On or about September 11, 2000, Stone was tending to marijuana plants in the Kipuka Ainahou GMA on the Island of Hawaii.

(11) On or about September 11, 2000, Delacuesta was tending to marijuana plants in the Kipuka Ainahou GMA on the Island of Hawaii.

(12) On or about September 11, 2000, Yrizzary was tending to marijuana plants in the Kipuka Ainahou GMA on the Island of Hawaii.

(13) On or about September 11, 2000 on the Island of Hawaii, Stone possessed marijuana in his backpack.

(14) On or about September 11, 2000 on the Island of Hawaii, Yrizzary possessed marijuana in his backpack.

(16) On or about September 11, 2000, Stone was cultivating marijuana plants outside his residence located in Fern Acres, Island of Hawaii.

(17) On or about September 11, 2000, Stone possessed marijuana in his residence located in Fern Acres, Island of Hawaii.

(18) On or about September 11, 2000, Yrizzary was

cultivating marijuana plants outside his residence located in Fern Acres, Island of Hawaii.

(19) On or about September 11, 2000, Yrizzary possessed marijuana in his residence located in Fern Acres, Island of Hawaii.

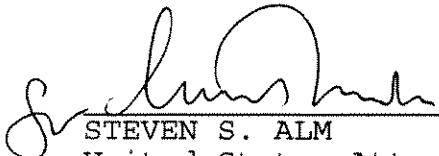
All in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).


DATED: Honolulu, Hawaii, September 20, 2000.

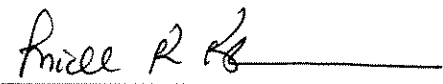
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GRAND JURY FOREPERSON


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USA v. Stone, et. al., USDC-Hawaii, Indictment.